IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER NO.441 OF 1999
WITH
CIVIL APPLICATION NO.11465 OF 1999

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

AHMEDABAD MUNICIPAL CORPORATION

Versus

VALLABHBHAI BHIMJIBHAI PATEL & ORS.

Appearance:

1. Appeal from Order No. 441 of 1999

MR. R.R. MARSHALL for Appellant

MR. B.M. MANGUKIA for Respondent Nos. 1-3

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 12/08/2004

COMMON ORAL JUDGEMENT

1. The appellant, Ahmedabad Municipal Corporation, original defendant, has approached this Court being aggrieved of order dated 21st June, 1999 passed by the learned Judge, City Civil Court, Ahmedabad below Exh.6 in Civil Suit No.4301 of 1998.

2. The fact that the Appeal From Order was admitted on 7th September, 2000 and ad interim relief granted on 4th October, 1999, has remained in force till date, of which net effect is that the order, which is challenged by the appellant, is not implemented till date. The placement of security on the property has continued. In the facts and circumstances of the case, it is deemed fit that interest of justice will be best served if, without investing any time in the matter, the learned Judge be directed to decide the suit as expeditiously as possible and the position which has prevailed for all this time, be ordered to be continued till the final disposal of the suit. Hence, the following directions are issued:

(i) The learned Judge of the trial Court is directed to give priority to the hearing of the suit,

being Civil Suit No.4301 of 1998, and decide the same as expeditiously as possible, but, not later than 31st December, 2004.

This direction is given on an assurance given by the learned Advocates for the parties that their counterparts shall extend full cooperation to the learned Judge so as to see that the suit is decided in the aforesaid time frame and that they will not be seeking any avoidable adjournment.

(ii) It is directed that the position as on today, which has prevailed by virtue of the order of this Court, shall continue to operate till the final disposal of the suit.

With the aforesaid directions, the Appeal From Order is disposed of. No order as to costs.

3. In view of the disposal of the Appeal From Order, Civil Application No.11465 of 1999 does not survive and the same is disposed of accordingly.

(Ravi R. Tripathi, J.)

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